

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments. Claims 1-22 and 26 remain pending in the case. Claims 1-22 and 26 are rejected. Claims 1 and 16 are amended herein. No new matter has been added as a result of the amendments.

35 U.S.C. § 102(b)

Claims 1 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mankovitz (US 5,949,492). Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention, as recited in Claims 1 and 16, are not anticipated by Mankovitz in view of the following rationale.

Claim 1 recites:

A method for providing information to a radio appliance playing audio content broadcast by a radio station, comprising the steps of:

- receiving radio waves broadcast from the radio station at the radio appliance, the radio waves comprising the audio content;
- receiving a user-generated request for information about the audio content from the radio appliance;
- receiving information from the radio appliance indicating the identity of the audio content, said information including said audio content in a digitized form;
- accessing a database that contains the user-requested information; and
- delivering the user-requested information to the radio appliance.

Thus, Applicants' invention is drawn to providing information to a radio appliance playing audio content received in a radio station broadcast from a radio Serial No. 09/777,390
3COM-T3393.IRD.US.P

Examiner: Nguyen, Duc M.
Art Unit: 2685

station, in which a user-request for supplemental information related to the audio content includes the content of the audio content recognized by the radio appliance.

Claim 1 requires, in part, "receiving information from the radio appliance indicating the identity of the audio content, the information including said audio content." Thus as claimed, Applicants invention recites the limitation that the radio appliance transmits information that includes the audio content that is associated with the user-requested additional information related to the audio content.

The Office Action infers that Mankovitz discloses a method for ordering supplemental information about program playing at a broadcast receiver, wherein an SDT unit is used for recording channel, day and time of the broadcast station. The SDT data is transmitted to a central station for retrieving auxiliary information such as artist and song title. This would comprise all the claimed limitations (see Figs 1, 2 and 10, col. 7, line 35 to col. 9, line 35). Applicants respectfully traverse.

Respectfully, Applicants are unable to locate that portion of the cited reference containing a description of an SDT unit, as suggested in the Office Action.

However, Applicants are able to locate that portion of the cited reference that describes an SDT. An SDT, as understood by Applicants, is the station (S), the date (D) and the time (T) (col. 7, lines 40-46). Upon a user request, the SDT is generated and then stored in memory in the receiving device. Applicants further understand Mankovitz to disclose that the SDT stored in the receiver's memory can later be downloaded to a central processing station and used as reference for accessing the auxiliary information. Thus, as understood by Applicants, Mankovitz suggests retrieving additional information that is based upon information related to the station playing the content and time and day the content was played.

However, as understood by Applicants, Mankovitz does not suggest, teach or describe transmitting a user-generated request for additional information to the radio station in which the audio content related to the requested additional information is contained within the request, as recited in Claim 1.

Thus, Applicants respectfully assert that Mankovitz does not suggest, teach or describe the limitations as recited in Claim 1, and as such Claim 1 is not anticipated by Mankovitz. As Claim 16 contains similar limitations, Applicants respectfully assert that Claim 16 is not anticipated by Mankovitz. Therefore, Applicants respectfully request the rejection of Claims 1 and 16, under 35 U.S.C. § 102(b), be withdrawn, and that Claims 1 and 16 be allowed.

35 U.S.C. § 103(a)

Claims 1-11, 16-21 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mackintosh (U.S. Patent Number 6,317,784) in view of Crosby, U.S. Patent Number 6,628, 928. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 1-11, 16-21 and 26 are patentable over Mackintosh and Crosby, alone or in combination, in light of the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method for providing information to a radio appliance playing audio content broadcast by a radio station, comprising the steps of:
receiving radio waves broadcast from the radio station at the radio appliance, the radio waves comprising the audio content;
receiving a user-generated request for information about the audio content from the radio appliance;
receiving information from the radio appliance indicating the identity of the audio content, said information including said audio content in a digitized form;
accessing a database that contains the user-requested information; and
delivering the user-requested information to the radio appliance.

Independent Claim 16 recites similar limitations. Claims 2-11 and 26 that depend from independent Claim 1 and Claims 17-21 that depend from

independent Claim 16 provide further recitations of the features of the present invention.

Mackintosh and the claimed invention are very different. Applicants understand Mackintosh to teach a method for presenting supplemental information for broadcast material. In particular, Applicants understand Mackintosh to suggest that references pertaining to broadcast material is forwarded to the appliance. Mackintosh discloses that the references may be event codes (col. 5, line 61- col. 7, line19; col. 8, lines 41-48) that are used as a reference that is cross referenced with data stored in a server to provide the location of the supplemental information, and the location is forwarded to the appliance and the appliance then retrieves the supplemental information at the disclosed location.

Applicants also understand Mackintosh to further suggest that the reference may include information disclosing the location of the supplemental information (col. 7, lines 7-17) that can be used by the appliance to retrieve the supplemental information. Applicants further understand Mackintosh to further suggest that the reference may include “cut” information, e.g., cut number, cut category and cut duration. The cut information is given a cut ID and the cut ID number is used by the appliance to retrieve the supplemental information.

Thus, as understood by Applicants, Mackintosh discloses using references, e.g., event codes, location of the supplemental information and/or “cut” information associated with the audio content to retrieve the supplemental information related to the audio content

However, as understood by Applicants, Mackintosh does not suggest, teach or describe the radio appliance including the audio content in the request for additional information, as required in the claims. Rather, Mackintosh suggests using cross-referenced information related to the audio content to retrieve the supplemental information. Thus, Mackintosh does not suggest, teach or describe the limitations recited in Claims 1 and 16.

As understood by Applicants, Crosby does not remedy the shortcomings of Mackintosh. Crosby, as understood by Applicants, suggests including a combination of the carrier frequency of the radio broadcast, the date and time, the geographical location of the vehicle in which the appliance may be disposed and a subscriber identification signal in the request for additional information. The request is sent to a network operations center which utilizes the information related to the audio content as a cross-reference to data stored in a database and from that cross-reference, the particular additional information related thereto is retrieved (Abstract; col. 3, lines 30-53).

Further, Applicants respectfully point out that Crosby particularly discloses that the retrieved information is specifically sent to the user's home or office computer or to an e-mail address (col. 3, line 53 to col. 4, line 19; col. 6, lines 8-13; Figures 3-6 and col. 8, line 59 to col. 10, line 29).

Accordingly, Applicants respectfully assert that combining the teachings of Crosby with the teachings of Mackintosh does not remedy the shortcomings of Mackintosh. Therefore, Applicants respectfully assert that Mackintosh and Crosby, alone or in combination do not suggest, teach or describe the limitations of Claims 1 or 16.

Further, Applicants respectfully assert that combining can cause the functions disclosed in Mackintosh to be detrimentally affected, e.g., sending the additional information to a computer or e-mail address (Crosby) instead of to the appliance as suggested by Mackintosh and as required by Applicants. Thus, the combining of Crosby with Mackintosh teaches away from the limitations of the claimed invention that requires the information be delivered to the radio appliance. Additionally, Applicants respectfully question the motivation to combine the teachings of Crosby with the teachings of Mackintosh as this detrimentally affects the disclosed functions of Mackintosh.

Applicants respectfully assert that Mackintosh in particular does not teach, suggest or describe including the audio content in the request for additional

information related to the audio content. Applicants further assert that Crosby does not suggest, teach or describe including the audio content in the request for additional information related to the audio content and therefore Crosby does not remedy the shortcomings of Mackintosh. Therefore, Applicants respectfully assert that Mackintosh and Crosby, alone or in combination, do not suggest, teach or describe the claimed embodiments of the present invention as recited in independent Claims 1 and 16, that Claims 1 and 16 overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance.

Therefore, Applicants respectfully submit the Mackintosh and Crosby, alone or in combination, also do not teach, suggest or describe the additional claimed features of the present invention as recited in Claims 2-11 and 26 that depend from independent Claim 1 and Claims 17-21 that depend from independent Claim 16. Therefore, Applicants respectfully submit that Claims 1-11, 16-21 and 26 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

Claims 12-15 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mackintosh in view of Crosby and further in view of Alexander et al (United States Patent Number 6,177,931). Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 12-15 and 22 are not anticipated by the

combination of Mackintosh and Crosby and Alexander and, as such, are patentable in view of the following rationale.

As described above, independent Claim 1, from which Claims 12-15, depend, is directed toward a method for providing information to a radio appliance playing audio content broadcast by a radio station in which a user-request for additional information regarding audio content includes the audio content in a digitized form as well as delivering the user-requested information to the radio appliance. Independent Claim 22 provides similar limitations.

Applicants understand Alexander to suggest an electronic programming guide that is displayed within a television or other display device from which the retrieval of information may be initiated.

Applicants respectfully assert that it is well known in the art that a cable box or set top box, etc., is coupled to the display device and that any information displayed to a user is retained in the box and not in the device used to display the information. Further, Applicants respectfully assert that any information retrieved as a result of a user-request is sent to the box, which in turn causes a display of that information on the display device. Thus, Applicants respectfully assert that Alexander discloses retrieving additional information to a cable or set top box that in turn, causes that information to be displayed on the display device, e.g., a television. Further, as understood by Applicants, Alexander does

not suggest, teach or describe sending the user-request in which the audio content related to the requested additional information is included in the request. The combination of Mackintosh and Crosby and Alexander fails to teach the method as claimed.

Moreover, the combination of Mackintosh and Crosby and Alexander fails to teach or suggest this claim limitation because Alexander does not overcome the shortcomings of Mackintosh and Crosby, alone or in combination.

As recited above, Applicants understand Alexander to teach an Electronic Program Guide (EPG). In particular, Alexander does not teach, describe or suggest “receiving radio waves broadcast by the radio station at the radio appliance,” as claimed. Moreover, Alexander is silent as radio transmission.

Applicants respectfully assert that nowhere does Alexander teach, describe or suggest a method for providing information to a radio appliance playing audio content broadcast by a radio station, including wherein radio waves broadcast by the radio station are received at the radio appliance, as claimed. Applicants also respectfully assert that Alexander does not teach, suggest or describe a user-request for additional information that includes the audio content related to the user-requested additional information related to the audio content. Applicants further respectfully assert that Alexander does not suggest, teach or describe delivering the user-requested information to the television. Rather, as

understood by Applicants, Alexander discloses additional information is forwarded to the cable or set top box and the cable or set top box retains the information and causes its display on the display device, e.g., the television.

Applicants respectfully assert that nowhere does Mackintosh and Crosby and Alexander, alone or in combination teach, disclose or suggest the present invention as recited in independent Claims 1 and 22, that Claims 1 and 22 overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in condition for allowance. Therefore, Applicants respectfully submit that Mackintosh and Crosby and Alexander, alone or in combination, also do not teach or suggest the additional claimed features of the present invention as recited in Claims 12-15 dependant on allowable base Claim 1. Therefore, Applicants respectfully submit that Claims 12-15 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

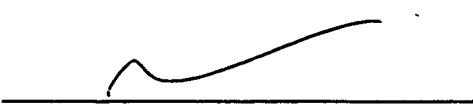
CONCLUSION

Based on the amendments and arguments presented above, Applicants respectfully assert that Claims 1-22 and 26 are allowable and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application. Please charge any additional fees or apply any credits to our PTO deposit account No. 23-0085.

Respectfully submitted,
Wagner, Murabito & Hao LLP

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John P. Wagner
Registration No. 35,398

WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060